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SEP 19 2005 PATENT  
PD-0436 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	James D. Holker et al.	)		
Serial No :	09/779,282	)	Examiner:	R. Maiorino
Filed :	February 21, 2003	)		
Title:	IMPROVED ANALYTE SENSOR AND METHOD OF MAKING THE SAME	)	Art Unit:	3763

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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION  
PURSUANT TO 37 C.F.R. § 1.321(c)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is a representative authorized to sign on behalf of the disclaimant,  
MEDTRONIC MINIMED, INC., having its principal place of business at 18000 Devonshire  
Street, Northridge, California 91325.

MEDTRONIC MINIMED, INC. is the assignee of the entire right, title and interest in  
and to the above-identified application and invention covered thereby as established by the  
assignment recorded at Reel 010929 and Frame 0976, and the Change of Name recorded at Reel  
012463 and Frame 0589. The assignment and name change documents have been reviewed and  
MEDTRONIC MINIMED, INC. certifies that to the best of its knowledge and belief, title is in  
MEDTRONIC MINIMED, INC. (37 C.F.R. § 3.73(b).)

MEDTRONIC MINIMED, INC. hereby disclaims, except as provided below, the  
terminal part of any patent granted on the above-identified application, which would extend  
beyond the date of the full statutory term granted on U.S. Patent Application Serial No.  
09/502,204 filed November 19, 2002, now U.S. Patent No. 6,484,045. MEDTRONIC  
MINIMED, INC. hereby agrees that any patent so granted on the above-identified application

shall be enforceable only for and during such period that the legal title to said patent shall be held by the same entity holding the legal title to U.S. Patent No. 6,484,045, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, MEDTRONIC MINIMED, INC. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,484,045 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

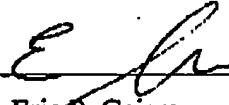
For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0621.

Medtronic MiniMed, Inc.

DATED: 9/19/05

BY: 

Eric P. Geismar

Vice President and Senior Counsel

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